



House of Representatives

General Assembly

File No. 178

February Session, 2012

House Bill No. 5245

House of Representatives, March 29, 2012

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE APPLICATION REQUIREMENTS FOR A TEMPORARY STATE PERMIT TO CARRY A PISTOL OR REVOLVER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-28a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) Requests for temporary state permits under section 29-28 shall be
4 submitted to the chief of police, or, where there is no chief of police, to
5 the warden of the borough or the first selectman of the town, as the
6 case may be, on an application [forms] form prescribed by the
7 Commissioner of Emergency Services and Public Protection. Upon
8 written request by any person for a temporary state permit not on a
9 prescribed application form, or upon request by any person for such
10 application form, the local authority shall supply such [forms]
11 application form. When any such request is made in person at the
12 office of the local authority, the local authority shall supply such
13 application form immediately. When any such request is made in any
14 other manner, the local authority shall supply such application form

15 not later than one week after receiving such request. If such
16 application form is not supplied within the time limits required by this
17 section, the request therefor shall constitute a sufficient application. If
18 any local authority fails to supply an application form upon the
19 request of any person, such person may request an application form
20 from the Commissioner of Emergency Services and Public Protection
21 or any barracks of the Division of State Police, and the time limits and
22 procedures set forth in this section for handling requests for such
23 forms shall be applicable.

24 (b) An applicant for a temporary state permit shall provide the
25 issuing authority the following: (1) A completed and notarized
26 application on the form prescribed by the Commissioner of Emergency
27 Services and Public Protection pursuant to subsection (a) of this
28 section, which form may not be modified or supplemented with
29 additional forms; (2) proof of lawful presence in the United States
30 consisting of (A) for citizens of the United States, a birth certificate,
31 naturalization certificate or valid United States passport, or (B) for
32 aliens, a permanent resident card; (3) a certificate of successful
33 completion of a course in the safety and use of pistols and revolvers
34 signed by an instructor certified by the National Rifle Association, the
35 Department of Energy and Environmental Protection, a law
36 enforcement agency or a branch of the military service of the United
37 States; and (4) two sets of fingerprints for purposes of section 29-29.

38 [(b)] (c) The local authority shall, not later than eight weeks after a
39 sufficient application for a temporary state permit has been made,
40 inform the applicant that such applicant's request for a temporary state
41 permit has been approved or denied. The local authority shall forward
42 a copy of the application indicating approval or denial of the
43 temporary state permit to the Commissioner of Emergency Services
44 and Public Protection. If the local authority has denied the application
45 for a temporary state permit, no state permit may be issued. The
46 commissioner shall, not later than eight weeks after receiving an
47 application indicating approval from the local authority, inform the
48 applicant in writing that the applicant's application for a state permit

49 has been approved or denied, or that the results of the national
50 criminal history records check have not been received. If grounds for
51 denial become known after a temporary state permit has been
52 obtained, the temporary state permit shall be immediately revoked
53 pursuant to section 29-32.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	29-28a

PS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

Limiting the number and content of the forms for a temporary pistol or revolver permit is not anticipated to have any fiscal impact on the state or municipalities.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5245*****AN ACT CONCERNING THE APPLICATION REQUIREMENTS FOR A TEMPORARY STATE PERMIT TO CARRY A PISTOL OR REVOLVER.*****SUMMARY:**

This bill identifies specific information and documents that an applicant for a temporary permit to carry handguns must submit to the local permit-issuing authority. It also (1) requires that the Department of Emergency Services and Public Protection (DESPP) application that applicants must complete under existing law be notarized and (2) prohibits the issuing authorities from modifying the application or supplementing it with additional forms. (Except for the limitation on the form, it is unclear if the bill limits other types of information or documentation the authority, under existing law, may request to find an applicant meets criteria and is a “suitable person” to get a gun permit.)

In addition to the required DESPP application, the bill requires applicants to submit:

1. two sets of fingerprints to be processed in accordance with the state law governing the collection of fingerprints for gun permit applications;
2. a certificate of successful completion of a handgun safety and use course, signed by an instructor certified by the National Rifle Association, the Department of Energy and Environmental Protection, a law enforcement agency, or a branch of the U. S. military service; and
3. for U.S. citizens, a birth certificate, naturalization certificate, or

valid U. S. passport; and for aliens, a permanent resident card.

Because aliens temporarily in the United States do not have a permanent resident card, the requirement to submit such a card as part of the permit application appears to disqualify them from getting a gun permit. By law, a legal alien is eligible for a gun permit, but an illegal alien is not (CGS § 29-28).

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Gun Permit Applications

With minor exceptions, state law bars anyone from carrying handguns (except antique handguns) anywhere in Connecticut without a gun permit. For Connecticut residents, getting an original gun permit is a two-step process. They must first apply to the local permit-issuing official (usually the police chief), who issues a temporary, 60-day state permit. The official forwards the application to the DESPP commissioner, who issues a five-year state permit. Out-of-state residents apply directly to the commissioner.

Permit-Issuing Criteria

The local official issuing a temporary gun permit must consider if the applicant (1) wants the firearm for lawful purposes and (2) is a suitable person to get a permit. The law does not define suitability, which is left to the official's discretion (CGS § 29-28(b)).

Those explicitly barred from possessing handguns or getting a gun permit are illegal aliens and anyone:

1. under age 21;
2. discharged from custody in the preceding 20 years after a verdict of not guilty because of a mental disease or defect;
3. confined by the probate court to a mental hospital in the 12 months before applying;

4. convicted of a serious juvenile offense;
5. subject to a firearm seizure order issued after notice and a hearing;
6. prohibited under federal law from possessing or shipping firearms because he or she was adjudicated as mentally defective or committed to a mental institution (unless the U.S. Treasury Department grants relief from this disability);
7. under a protective or restraining order for using or threatening to use force and, in the case of possession, he or she knows about the order and, if the order was issued in-state, was notified and given a hearing opportunity; or
8. convicted of a felony or specified misdemeanors.

Applicants must also successfully complete a handgun safety and use course approved by the DESPP commissioner (CGS § 29-28(b)).

Related Bills

SB 196 (File 33) requires gun dealers to (1) keep their handgun sale records in a form prescribed by federal law, rather than by the DESPP commissioner, and (2) make the records available for inspection at the request of any sworn state police officer or investigator on the State-wide Firearms Trafficking Task Force.

HB 5246, reported favorably the Public Safety and Security Committee on March 15, allows a gun dealer to conduct handgun transaction at gun shows under his or her gun dealer permit, thereby generally conforming state law to federal law.

SB 64, reported favorably by the Public Safety and Security Committee on March 15, adds a buyer's date and place of birth to the required information on a handgun (pistol or revolver) receipt and eliminates temporary eligibility certificates.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 23 Nay 0 (03/15/2012)